

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 25-1002

September Term, 2024

DOT-OST-2024-0065

Filed On: February 6, 2025

Frontier Airlines, Inc.,

Petitioner

v.

United States Department of Transportation,

Respondent

Alaska Airlines, Inc.,
Intervenor

BEFORE: Childs, Pan, and Garcia, Circuit Judges

O R D E R

Upon consideration of the motion for partial stay pending review and for expedition, the oppositions thereto, and the reply, it is

ORDERED that the motion for partial stay be denied. Petitioner has not satisfied the stringent requirements for a stay pending court review. See Nken v. Holder, 556 U.S. 418, 434 (2009); D.C. Circuit Handbook of Practice and Internal Procedures 33 (2024). In particular, petitioner has not established that, absent a stay, it will suffer irreparable harm that is “both certain and great.” Wisconsin Gas Co. v. FERC, 758 F.2d 669, 674 (D.C. Cir. 1985) (per curiam). The prospect of harm to respondent-intervenor and to the public interest also weighs against a stay. See id. at 673–74. In addition, petitioner failed to first seek a stay from the agency, and petitioner has not demonstrated that doing so would have been impracticable. See Fed. R. App. P. 18(a)(1), (2)(A). It is

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FURTHER ORDERED that the following briefing schedule will apply in this case:

Certified Index to the Record	February 11, 2025
Petitioner's Opening Brief	February 24, 2025
Joint Appendix	February 24, 2025
Respondent's Brief	March 17, 2025
Respondent-Intervenor's Brief	March 24, 2025
Petitioner's Reply Brief	April 7, 2025

The parties will be informed later of the date of oral argument and the composition of the merits panel.

The court reminds the parties that

In cases involving direct review in this court of administrative actions, the brief of the appellant or petitioner must set forth the basis for the claim of standing . . . When the appellant's or petitioner's standing is not apparent from the administrative record, the brief must include arguments and evidence establishing the claim of standing.

See D.C. Cir. Rule 28(a)(7).

Petitioner should raise all issues and arguments in the opening brief. The court ordinarily will not consider issues and arguments raised for the first time in the reply brief.

To enhance the clarity of their briefs, the parties are urged to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Internal Procedures 43–44 (2024); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

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Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk's office on the date due. Filing by mail may delay the processing of the brief. Additionally, counsel are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Selena R. Gancasz
Deputy Clerk